

JUN 06 2003

Michael N. Milby, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In Re Enron Corporation	§	
Securities, Derivative &	§	MDL-1446
"ERISA Litigation	§	
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THIS DOCUMENT RELATES TO:	§	
	§	
All Cases	§	
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MARK NEWBY, ET AL.,	§	
	§	
Plaintiffs	§	
	§	
VS.	§	CIVIL ACTION NO. H-01-3624
	§	CONSOLIDATED CASES
	§	
ENRON CORPORATION, ET AL.,	§	
	§	
Defendants	§	

ORDER

Pending before the Court is Lead Plaintiff's motion for leave to file the consolidated amended complaint on June 16, 2003 (instrument #1351), which the Court has previously construed as a combined motion for leave to amend and a motion for extension of the deadline for filing it.

Because Lead Plaintiff succeeded in filing its amended complaint on May 14, 2003, the motion for extension of time is MOOT.

The only objection to the motion for leave to file the amended pleading was a letter from counsel for Deutsche Bank AG, complaining that the Court had dismissed it from this suit and the amended complaint asserts new claims against it, contrary to Lead Plaintiff's representations. The dismissal was without prejudice, and the Court finds no prejudice in allowing the amended complaint.

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to be filed because Deutsche Bank AG can move to dismiss any new claims asserted against it once it has been served.

Accordingly, the Court

ORDERS that Lead Plaintiff's motion for leave to file consolidated amended complaint is GRANTED.

**SIGNED** at Houston, Texas, this 5<sup>th</sup> day of June, 2003.

  
MELINDA HARMON  
UNITED STATES DISTRICT JUDGE